



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/788,460

03/01/2004

Yigal Bejerano

129250-000999/US

9258

32498

7590

04/14/2009

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC
P.O. BOX 1995
VIENNA, VA 22183

EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 3-17-09 have been fully considered but they are not persuasive.
2. Applicant's representative [hereinafter applicant] asserts that Menzel fail to suggest a slot to user ratio, this limitation is as disclosed by the applicant load dependent as it is the [# of slot] / [# of users], Menzel discloses to assign the # of slot between the number of the users and repeating the process, thereby maximizing the resources (see col. 4, line 64 –col. 5, line 50).
3. Regarding applicant's argument directed to the interpretation of the limitation "maximization of a lower bound of a slot to user ratio", the interpretation given by the examiner is consistent with paragraph 0037 of the specification. However, not all the limitations are being read into the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. The rest of the arguments fall for the same reasons as shown in paragraph 2 and 3 above. The rejection in record stands.

/Marcos L Torres/

Examiner, Art Unit 2617